

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRR No.3129 of 2016 (O&M)
Date of Decision: December 17, 2016

Kuldip Singh @ Pappu

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.R.K.Arya, Advocate
for the petitioner.

Ms.Shivali, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Kuldip Singh @ Pappu against respondent State of Punjab, challenging the impugned judgment of conviction and order of sentence dated 29.01.2016 passed by learned Judicial Magistrate Ist Class, Amritsar, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of six months and to pay fine of ₹500/- and in default of payment, to undergo simple imprisonment for a period of 7 days under Sections 279 and 337 IPC each and to further undergo rigorous imprisonment for a period of two years and to pay fine of ₹500/- and in default of payment, to undergo simple imprisonment for a period of 7 days under Section 304-A IPC and also challenging the judgment dated

08.07.2016 passed by learned Addl. Sessions Judge, Amritsar, vide which appeal filed by petitioner was dismissed.

At the time of preliminary hearing, learned counsel for the petitioner did not dispute the concurrent findings of the Courts below regarding conviction and only contended on the point of reduction of sentence.

Notice of motion was issued only qua quantum of sentence. Learned State counsel appeared and contested the petition.

From the record, I find that the challan was presented against petitioner in case FIR No.238 dated 19.10.2010. The brief facts of the case as noted down in the judgment passed by learned JMIC, Amritsar, are as under:-

“2. Succinctly, the facts of prosecution case are that on 19.10.2010 at about 11.30 A.M ASI Parkash Singh along with other police officials was present at T-point, opposite Apex Hospital, Batala Road in connection with patrol duty and in search of bad elements where Deepak Sharma son of Satish Sharma (hereinafter referred to as 'Complainant') came present and got recorded his statement with ASI Parkash Singh to the effect that he is running shop of eye-glasses at Vijay Nagar. Complainant along with his wife Kavita Sharma were going Shiwala to Mandir on Activa Honda bearing registration No. PB-02-BH-1522 and when they reached in front of police station Sadar at about 9 A.M one bus bearing registration No. PB-06-B-9963 of Sahni Transport came from Batala side at very high speed and without blowing any horn hit the side from back while Active was going on the left side of the road. Both complainant and his wife fell down from Activa. Complainant suffered grievous injuries on his right knee, right shoulder and wrist of right arm and his wife's back bone got fractured apart from internal injuries on her head. Then they were taken to Apex Hospital, Batala where doctor declared her wife dead. The said incident has been occurred due to rash and negligent driving of driver, the name of which later on revealed as Kuldeep Singh @ Pappu. On the basis of said statement the present FIR was registered and the investigation was carried out. On completion of investigation challan was presented in the Court.”

Learned JMIC, Amritsar, after appreciating the evidence, convicted and sentenced the petitioner as stated above. An appeal was filed by the petitioner and the same was dismissed by learned Addl. Sessions Judge, Amritsar, vide judgment dated 08.07.2016.

Aggrieved from the above-said judgments, present revision petition has been filed.

Learned counsel for the petitioner argued that petitioner is first offender, poor person and only bread earner of the family. Learned counsel for the petitioner further contended that petitioner is suffering from criminal proceedings since 2010.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

Keeping in view the facts and circumstances of the present case and in view of the fact that petitioner is first offender, suffering from long protracted criminal proceedings since 2010 i.e. for the last about 6 years, the sentence imposed upon the petitioner is reduced and he is directed to undergo rigorous imprisonment for a period of one year instead of two years under Section 304-A IPC. However, the other sentences, sentence of fine and in default thereof, shall remain the same.

With the above-said modification in the sentence, the present revision petition stands dismissed.

December 17, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No